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QUESTION OF EAST TIMOR

Letter dated 3 June 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a note verbale from the Permanent Representative of the Republic of Indonesia to the United Nations, dated 2 June 1993 (see annex), in response to the communication of 5 April 1993 from the Permanent Representative of Portugal concerning East Timor (A/48/130).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the forty-eighth session of the General Assembly.

Witjaksana SOEGARDA
Chargé d'affaires, a.i.
Ambassador
Deputy Permanent Representative

* A/48/50.

ANNEX

Question of East Timor

Note verbale dated 2 June 1993 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

The Permanent Representative of the Republic of Indonesia to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to the note verbale dated 5 April 1993 from the Permanent Representative of Portugal to the United Nations (A/48/130), has the honour to state the following:

1. The overwhelming majority of the East Timorese people have chosen independence through integration with the Republic of Indonesia, a prerogative recognized by General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, thus terminating the colonial status of the former Territory. Consequently, the integration of East Timor into the Republic of Indonesia was formalized on 17 July 1976 as its twenty-seventh province with rights and obligations equal to those of the other provinces.

2. The Government of Portugal in effect relinquished its responsibilities as the Administering Power of East Timor when, in 1975, by utterly mishandling the decolonization process and in a most irresponsible manner, it simply abandoned the Territory, thereby leaving a vacuum which fuelled a civil war that has been the source of a great number of deaths and destruction. To have the Government of Portugal now say that it is prevented de facto from exercising its responsibilities for the administration of the Territory of East Timor shows that Portugal cannot face reality nor can it respect the wishes of the majority of the people of East Timor.

3. The Government of Indonesia is well aware of the concerns of a number of countries regarding the situation of human rights in East Timor. However, Portugal's accusation that Indonesia failed to honour the consensus statement made by the Chairman of the Commission on Human Rights in March 1992 is wholly untrue and without foundation. It is important in this connection to note that:

(a) The Government of Indonesia has taken swift and decisive action to bring all those responsible in the incident of 12 November 1992, military officers as well as civilians, to justice. Disciplinary action has been taken against a number of high-ranking military officers and 10 military personnel have been brought before military courts and sentenced. Out of 308 persons detained following the incident, 276 were released immediately and 13 civilians were brought to trial under respective criminal laws. The remaining 19 were subsequently released;

(b) It should be noted that the military and civilian trials were open to the public. The defendants were accorded due process of law. Scores of diplomats, representatives of humanitarian organizations and foreign journalists observed the trial proceedings;

(c) The Indonesian authorities have exerted determined efforts to find the missing persons and efforts are still under way. Of the 115 persons reported missing, 32 have returned home, 18 are dead with graves known, 4 dead have not been identified, 60 people are unaccounted for, while one person was confirmed to have returned home recently;

(d) Several dignitaries have visited East Timor, including Mr. Amos Wako, the Special Envoy of the United Nations Secretary-General, and diplomats, independent observers and foreign journalists, including nine Portuguese, have also paid visits to the province.

4. Portugal has attempted to raise a non-issue of jurisdiction of the Indonesian tribunal to try Mr. Gusmao. It should be recalled that since 17 July 1976 the process of decolonization was completed when the East Timorese peoples themselves, consonant with their own historical and cultural traditions, exercised their right to self-determination and opted for independence, to integration with the Republic of Indonesia. Therefore, Indonesian laws and regulations would apply to any individual committing an offence in violation of those laws. Hence, the trial of Mr. Gusmao is well within the jurisdiction of Indonesia. Mr. Xanana Gusmao, during his detention and trial, was being treated consistent with international standards. In this regard, it is pertinent to note that the representative of the International Committee of the Red Cross (ICRC) and the special envoy of the United Nations Secretary-General visited the defendant. He was also interviewed by two Portuguese journalists and stated to them that he was being treated well. He was also accorded due process of law. The trial - in a civil court of law - was open to the public and observed by diplomats, foreign journalists, including nine Portuguese journalists, a representative of Asia Watch and United Nations officials. Mr. Xanana Gusmao was sentenced to life imprisonment by the court on 21 May 1993.

5. It is also important to note that those people arrested with Mr. Gusmao and those subsequently apprehended were also accorded fair and just treatment. Representatives of ICRC as well as the Special Envoy of the United Nations Seretary-General have also met with them.

6. In the context of the foregoing, the Permanent Mission of the Republic of Indonesia takes the categorical view that the note verbale of Portugal does not correspond to the prevailing realities in East Timor.

The Permanent Representative of the Republic of Indonesia to the United Nations has the honour to request the Secretary-General to have the present note verbale circulated as an official document of the General Assembly.